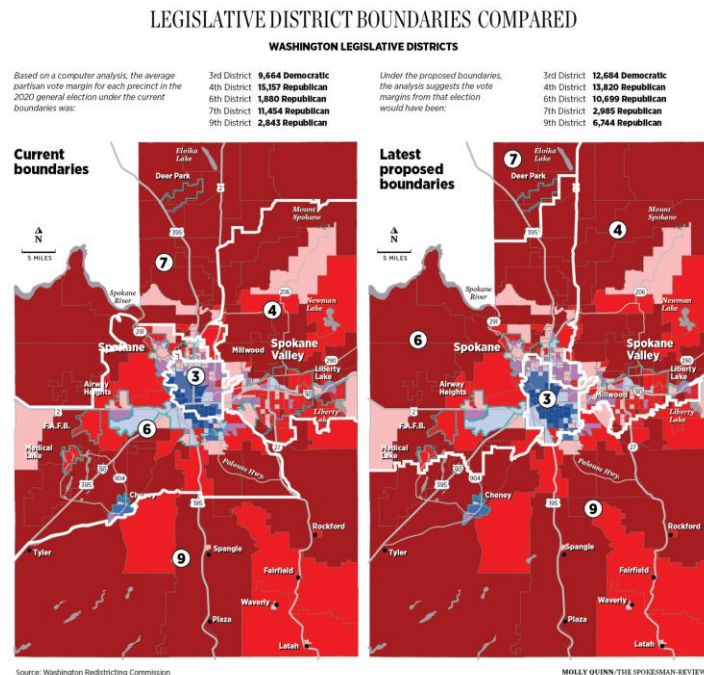


# Lawsuit looks to void redistricting commission's work, claiming it violated open meeting laws

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(Molly Quinn / The Spokesman-Review)

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OLYMPIA – The Washington redistricting commission [is being sued](#) over claims it violated the state's Open Public Meetings Act.

The lawsuit from the Washington Coalition for Open Government calls for the commission's work and final maps to be voided, saying decisions were made while violating the Open Public Meetings Act. It also asks the commissioners to each pay a \$500 fine.

The commission's final meeting before the Nov. 15 deadline was done mostly in secret, having only been in front of the public for about 31 minutes, according to the lawsuit. The coalition's concern is the commission convened a regular business meeting but completed most of its work in private, coalition president Mike Fancher said in a statement.

“The commission damaged public trust in our system of governing, which always happens when secrecy prevails over transparency,” Fancher said.

In a meeting Tuesday, commissioners voted to allow the executive director to seek counsel regarding the lawsuit. Much of their most recent meetings had also been done in executive session as they were discussing pending litigation – something that is allowed under the open meetings law.

Commissioner Paul Graves said he understood the frustration from the public, but executive sessions are needed as they work to resolve the pending lawsuit.

The commission’s final deliberations Nov. 15 ended with chaotic votes on what commissioners called “agreements that would turn into final maps.” No final maps were seen by the public until almost 24 hours later.

What happened in those final hours and the hours after midnight remain mostly unclear.

A new memo released by Democratic legislative staffer Ali O’Neil gives some insight into the final, “incredibly tense, chaotic” hours. Leading up to the Nov. 15 meeting, commissioners and staff were in person at the Hampton Inn in Federal Way, according to O’Neil. Final deals on maps were being discussed both in person and through text messages throughout the day.

By 6 p.m. that day – one hour before the public meeting – O’Neil’s memo said the mood was “pessimistic that there would be a deal.” Staff was working on statements in preparation for no maps to be approved, according to the memo to Senate Majority Leader Andy Billig, D-Spokane.

When the public meeting began, commissioners and staff continued to discuss deals on maps as they had been all day – in person and through text messages. When it came time to vote close to midnight, O’Neil said there were no map proposals ready for commissioners to review.

“Despite this fact, there was a suggestion that the Commissioners should vote on the transmittal letter without any maps ready to approve,” the memo said.

Still, commissioners voted just before and just after midnight, but O’Neil’s memo said what they voted on was “not restated nor written down anywhere.”

Shortly after the votes, the public meeting cut out, but commissioners did not stop working, hoping to post maps the next morning “before reporters woke up,” according to the memo.

After midnight, all commissioners and staff met in a meeting room in the Hampton Inn.

“Someone joked that since it was past midnight and the commission no longer had jurisdiction, that the (Open Public Meetings Act) rules didn’t apply,” the memo said.

After working all night, commissioners admitted that they failed to meet their statutory 11:59 p.m. deadline, meaning the job of redrawing the legislative and congressional maps would go to the state Supreme Court. The Supreme Court, however, opted not to redraw the maps, ruling the commission “substantially complied” with its statutory deadline.

This lawsuit may give the court an opportunity to revisit that decision.

The coalition also filed an administrative petition against the commission, asking that commissioners recognize its mistakes publicly and correct its actions by requiring training and changing its rules to prohibit off-the-record deliberations.

Under the Administrative Procedure Act, the commission has 30 days to respond to the petition.

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